THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5641 of 2007

05.4.2007

Between:

P.Yadaiah Gupta, S/o.Ananthaiah
And others

… Petitioners

AND

The Deputy Commissioner of Endowments, Tilak Road, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5641 of 2007

ORDER:

The seven petitioners filed writ petition seeking a writ of Mandamus directing the first respondent, to appoint the petitioners as trustees of non-heriditary board of trustees of Sri Lakshmi Narasimha Swamy Temple, Simhagiri village of Palamoor Mandal in Mahaboobnagar District.

It is the case of the petitioners that the first respondent issued notice in Form-I read with Rule 4 of A.P. Charitable and Hindu Religious Institutions and Endowments Appointment of Trustees Rules, 1987 (the Rules, for brevity), inviting applications from eligible persons within fifteen days for constitution of the board of trustees for the said temple. The petitioners allegedly sent their applications but the first respondent did not issue any appointment order so far.

After getting instructions, learned Assistant Government Pleader for Endowments submits that the first respondent has not so far appointed board of trustees. She also points out that Form-I issued by the first respondent is not strictly in compliance with the procedure prescribed under the Rules. The same is not denied. Be it noted that Form-I requires appointing authority to give minimum twenty days time from the date of notice for making applications and any notice in contravention thereof is unsustainable.

Be that as it is some time has elapsed till the date of issue of the notice. This Court, therefore, is of considered opinion that the first respondent may issue fresh notice in accordance with Rule 4 of the Rules, as prescribed in Form-I and keeping in view the circular No.20/2007, dated 28.2.2007 issued by the Commissioner of Endowments. Thereafter, by following the procedure contemplated under Rules 6, 7 and 8 of the Rules, the first respondent shall complete the exercise within a period of two months from the date of issue of fresh notice. The petitioners are given liberty to submit their application as and when the first respondent issued notification afresh, as directed herein above.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 05, 2007.

NOTE:

Issue order copy by 07.4.2007.

(By order)

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